

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

Cr. No. 19-10080-NMG

GREGORY COLBURN, et al.,

Defendants.

DEFENDANT JOHN WILSON'S MOTION TO CONTINUE SENTENCING DATE

Defendant John Wilson moves that the Court continue his sentencing date from February 17, 2022 to any of the following dates: March 3, 4, 7, 8, 21, 25, 30 or 31. As grounds for this motion Wilson states:

1. Martha Victoria is the U.S. Probation Officer assigned to Wilson's case. She has a longstanding vacation scheduled for February 17-25, 2022. Wilson understands she has served as the probation officer for all or virtually all of the Varsity Blues cases. She has interviewed Wilson, conducted a home visit to his residence, and conducted numerous other steps that are part of the standard sentencing process. Thus, she has a deep understanding of the relevant issues.
2. Wilson believes the Court and both parties would be best served if Ms. Victoria can attend the hearing. A supervisor or another probation officer "filling in" will not have the same depth of experience with the issues in this case.
3. The government recently sent Probation and Wilson's counsel documents advocating for a guideline enhancement. Wilson is preparing an opposition to this position. Ms. Victoria has informed Wilson's counsel that she is available to participate in a March

sentencing date, but does not want to schedule the hearing for earlier than February 17, 2022, as Wilson and possibly the government will be submitting further materials to her, and Probation will need adequate time to follow its standard multi-step process to consider the submissions and prepare a final Pre-Sentence Report.

4. The government has informed Wilson's counsel that it has a trial commitment in early March and objects to any date in late March.
5. Ms. Victoria and defense counsel are available for all of the dates listed above.

Dated: December 24, 2021

Respectfully submitted:

By counsel for John Wilson

/s/ Michael Kendall

Michael Kendall (BBO # 544866)
Lauren M. Papenhausen (BBO# 655527)
WHITE & CASE LLP
75 State Street
Boston, MA 02109-1814
Telephone: (617) 979-9310
michael.kendall@whitecase.com
lauren.papenhausen@whitecase.com

Andrew E. Tomback (pro hac vice)
MCLAUGHLIN & STERN, LLP
260 Madison Avenue
New York, NY 10016
Telephone: (212) 448-0066
atomback@mclaughlinstern.com

CERTIFICATE OF COMPLIANCE WITH LOCAL RULES 7.1 AND 112.1

I hereby certify that, before filing this motion, defense counsel attempted in good faith to confer with the government to resolve or narrow the issues. The government does not agree to the relief requested.

/s/ Michael Kendall
Michael Kendall

CERTIFICATE OF SERVICE

This document is being filed on the date appearing in the header through the ECF system, which will provide electronic copies to counsel of record.

/s/ Michael Kendall
Michael Kendall